

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	05-00044-01-CR-W-GAF
JOHN SPURLOCK,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on February 3, 2006. Defendant John Spurlock appeared in person and with Assistant Federal Public Defender Travis Poindexter. The United States of America appeared by Assistant United States Attorney Kathy Fincham.

I. BACKGROUND

On February 9, 2005, an indictment was returned charging defendant with three counts of using a facility of interstate commerce to attempt to entice a minor to engage in sexual activity, in violation of 18 U.S.C. § 2422(b), two counts of attempting to transfer obscene material to a minor, in violation of 18 U.S.C. § 1470, one count of interstate travel to attempt to engage in a sexual act with a minor, in violation of 18 U.S.C. § 2423(b), and one count of criminal forfeiture pursuant to 18 U.S.C. § 2253.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Ms. Fincham announced that she will be the trial counsel for the government. The case agent to be seated at counsel table is TFO Angie Wilson, FBI.

Mr. Poindexter announced that he will be the trial counsel for defendant John Spurlock. Aimee Eddington, investigator, will be at counsel table.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Ms. Fincham announced that the government intends to call four witnesses without stipulations or three witnesses with stipulations during the trial.

Mr. Poindexter announced that defendant John Spurlock does not intend to call any witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Ms. Fincham announced that the government will offer approximately sixty-five exhibits in evidence during the trial.

Mr. Poindexter announced that Defendant John Spurlock will offer no exhibits in evidence during the trial.

VI. DEFENSES

Mr. Poindexter announced that Defendant John Spurlock will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Poindexter stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations have been signed as to the underlying facts and chain of custody.

IX. TRIAL TIME

Counsel were in agreement that this case will take one day to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed March 2, 2005, counsel for each party file and serve a **list of exhibits** he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by **February 3, 2006**;

That counsel for each party file and serve requested jury **voir dire** examination questions by or before noon, Wednesday, **February 8, 2006**;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested **jury instructions** by or before noon, Wednesday, **February 8, 2006**. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and 1/2 inch computer disk in a form compatible with WordPerfect 9.0, 10.0, or 11.0.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated and there are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on February 13, 2006. The defendant and counsel want to waive a jury trial and also want to waive the requirement of findings of fact and conclusions of law. The parties need to have the case set on the second week of the docket due to other trial conflicts and an appellate brief to the Eighth Circuit.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
February 3, 2006

cc: The Honorable Gary Fenner
Ms. Kathy Fincham
Mr. Travis Poindexter
Mr. Jeff Burkholder